

**Officer Involved Shooting of Armando G.
Los Angeles County Sheriff's Department**

**Sergeant James Dillard, #292928
Deputy Victor Ekanem, #600077**

J.S.I.D. File #17-0324



JACKIE LACEY

District Attorney

Justice System Integrity Division

November 7, 2018

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Armando G.
J.S.I.D. File #17-0324
L.A.S.D. File #017-09153-2610-013

DATE: November 7, 2018

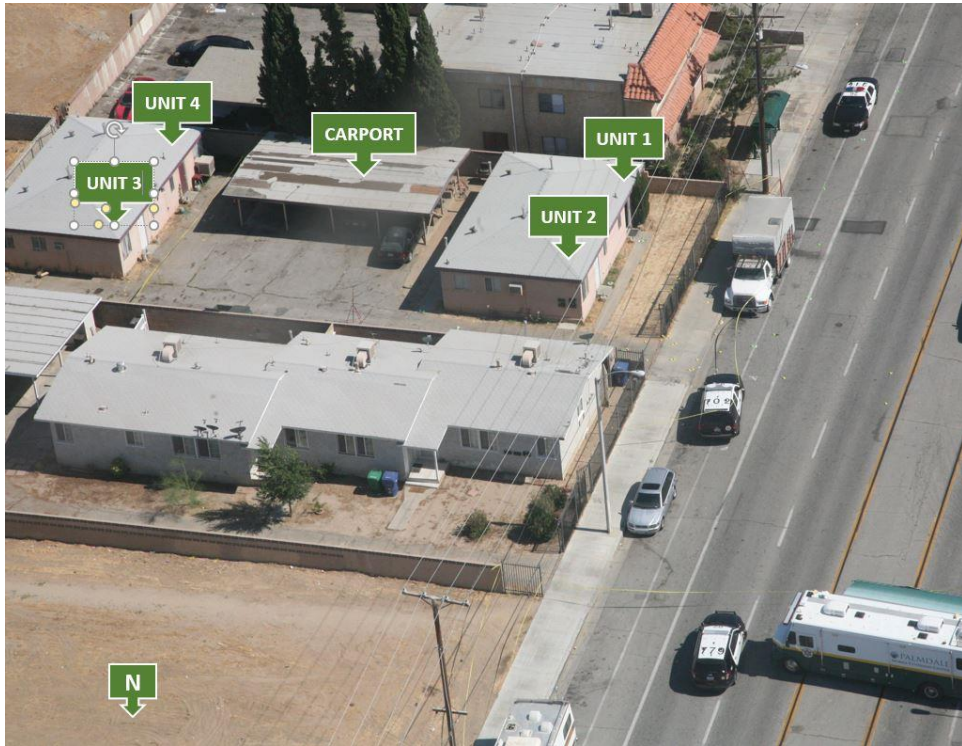
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 22, 2017, fatal shooting of Armando G. by Los Angeles County Sheriff's Department (LASD) Sergeant James Dillard and Deputy Victor Ekanem. It is our conclusion that the shooting of Armando G. was accidental and that there is no criminal liability in this case.

The District Attorney's Command Center was notified of the shooting on June 22, 2017, at approximately 5:32 a.m. The District Attorney Response Team responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports submitted to this office by Sergeant Troy Ewing and Detective Theodor Baljet, LASD, Homicide Bureau. Sergeant Dillard and Deputy Ekanem provided voluntary statements which were considered as part of this analysis.

FACTUAL ANALYSIS

On June 22, 2017, at 3:23 a.m., the LASD Palmdale Sheriff's Station received a complaint for loud music at [REDACTED] 10th Street East. The location consisted of a single-story duplex at the front (west) of the property and another duplex to the rear (east) of the property. There was a carport between the two buildings, and a driveway extending down the north side of the property line. A wrought iron fence ran along the front of the property with a rolling gate across the driveway. Three couches sat in a semi-circle beneath the carport, surrounding a circular metal fire pit.



Aerial view of [REDACTED] 10th Street East



View beneath the carport

Statement of Deputy Justin Auldridge

Upon arriving at the location, Auldridge heard music coming from the rear of the property. Auldridge and Ekanem walked down the driveway. The music turned off as the deputies walked into the carport area. Armando G. and another man were seated on the couches and two other men were further east. A pit bull was roaming freely. The pit bull approached Ekanem and sniffed

him. The pit bull then approached Auldridge and bit him on the left knee as he leaned down to pet it. Auldridge drew his service weapon and pointed it at the dog, as others called for the dog. Armando G. and one of the other men chained the pit bull to a tree. Auldridge advised the group why they were at the location then walked back toward the street.

Ekanem requested that a supervisor respond to the scene. Sergeant James Dillard arrived at the location. Dillard and several other deputies walked back to the carport area to photograph the pit bull. Auldridge remained at the driveway, but could hear the dog barking aggressively. Dillard returned to his location and took photographs of the bite wound. At that time, Deputy Jeffrey Shreves began yelling, "Hey! It's coming! It's coming! It's coming!" Auldridge looked up to see the pit bull running down the driveway toward them. It appeared that the dog was targeting Ekanem. Ekanem attempted to evade the pit bull, however, the dog attacked Ekanem, biting at his leg. Auldridge drew his service weapon and attempted to fire at the dog, but, did not have a clear shot. Auldridge was focused on the pit bull and did not see anyone running after it.

Auldridge heard gunshots, but did not see who fired. The pit bull ran back toward the carport. Auldridge also observed Armando G. running back toward the carport. Auldridge heard someone screaming as he walked to the carport. Armando G. was lying on the ground and stated that he had been shot in the chest. Deputies rendered aid to Armando G. until paramedics arrived. In addition to the dog bite, Auldridge was struck by several bullet fragments.



Dog bite to Auldridge's left knee

Statement of Deputy Victor Ekanem

Ekanem and Auldridge followed the sound of music to a center courtyard. Ekanem observed a man sleeping in a car, two men sleeping on a couch and Armando G. standing in the courtyard. Two seconds later, a pit bull charged at Ekanem. Ekanem took several steps back to avoid getting bit. The pit bull then went toward Auldridge. Ekanem and two of the other men told Armando G. to secure the dog. Armando G. called the pit bull to him then attached a chain to the dog's collar.

Ekanem discovered that Auldrige had been bitten after walking to the front of the property. Ekanem called for a supervisor and asked the front desk to contact animal control. Dillard arrived and deputies returned to the courtyard to ensure that the pit bull was secured and to photograph it. The deputies returned to the front of the location. While talking about the incident by the front curb, Ekanem turned around and observed the same pit bull charging toward him. The dog was nearly at the front gate. Based on the fact that the dog had just bitten Auldrige, Ekanem believed the dog was about to attack him. Ekanem took several steps back and momentarily lost his footing as he fell off the curb. The pit bull jumped at him. Ekanem could not tell what part of his body the pit bull was targeting, but believed it was about to cause serious injury. Fearing for his safety, and the safety of the other deputies, Ekanem drew his service weapon and fired at the pit bull.¹ Ekanem's sole focus was on the pit bull. After he fired, Ekanem heard Armando G. screaming as the pit bull ran back into the courtyard.

Ekanem went to the courtyard and observed Armando G. lying on the ground with a gunshot wound to the chest. Dillard requested an ambulance.² Ekanem searched unsuccessfully for the pit bull while other deputies rendered first aid.

Statement of Sergeant James Dillard

Dillard responded to the location regarding a dog bite to a deputy. Dillard met the deputies on the street at which time Auldrige showed Dillard a dog bite to his knee. Dillard walked to the carport area and observed a pit bull on a chain. The chain held the dog as it repeatedly lunged toward the deputies. Dillard took several pictures of the dog and the area where the bite occurred. Dillard noticed a man sleeping on a couch and a second man sleeping in a car. Neither responded when he shined a flashlight at them or tried to awaken them verbally. As he walked back toward the street, Dillard observed Armando G. Armando G. told Dillard that he stayed at the location when he was not on good terms with his family. Armando G. did not respond when Dillard asked if he owned the dog.

While standing at the driveway, the deputies were discussing who would transport Auldrige to the hospital when a deputy said, "Hey! Here he comes." Dillard turned and saw the pit bull "trotting" from the darkness of the driveway. Armando G. was walking behind the dog. One of the deputies attempted to shut the sliding gate to keep the dog on the property, but, it would not move. At that time, the pit bull noticed the deputies and "flew" toward them. Dillard believed that Armando G. had "sicked" the dog on the deputies. Dillard backed up and drew his service weapon. Ekanem also drew his service weapon. The pit bull charged toward Ekanem and aggressively jumped at him. Dillard moved toward Ekanem to help him. The dog landed and circled back toward Ekanem. The pit bull then appeared to head toward Dillard. Dillard fired his service weapon.³ The dog turned and ran away. Armando G. ran after dog. Seconds later, Dillard heard a yell. Dillard walked back to the carport area to detain Armando G., believing he had the dog attack the deputies. Dillard saw Armando G. lying on the ground. Dillard requested paramedics respond to the scene.

¹ An examination of Ekanem's firearm revealed that he fired four rounds.

² Dillard requested an ambulance at 3:34 a.m.

³ An examination of Dillard's service weapon revealed that he fired two rounds.

Statement of Deputy Jeffrey Shreves

Shreves walked to the property south of the location and attempted to look over the wall to see who was playing the music. Auldrige and Ekanem walked down the driveway. Shreves heard the music turn off and the deputies speaking with someone. Shreves walked toward the back of the property to join them. Shreves observed a large pit bull lunging and snapping at Auldrige. Auldrige jumped back and pulled his service weapon, pointing it at the dog. Ekanem also pointed his service weapon at the pit bull. One of the deputies yelled, "Get your pit bull! Get your pit bull!" Auldrige stated that the dog had bit him. Eventually, the pit bull was chained to a tree. Armando G. agreed to keep the music volume down. The deputies walked back to the front of the property. Shreves went back to the carport when Dillard arrived. The pit bull was chained to a tree, but acting aggressively. The deputies returned to the street.

While Dillard was taking photographs of the dog bite, Shreves heard the sound of a dog running. Shreves saw the same pit bull halfway down the driveway, charging toward the deputies at full speed. Shreves yelled, "Look out! Look out! Here it comes! Here it comes!" The other deputies turned around as the pit bull leaped toward them. Shreves thought he was going to have to shoot the dog, but the other deputies were in his line of fire and he could not take the shot. Shreves heard several gunshots and was struck in the leg by a bullet fragment. Shreves heard the pit bull whimper and tumble to the ground before returning to the rear of the property. Shreves heard a voice say, "Oh, fuck!" Shreves walked to the carport area to look for the pit bull and observed Armando G. lying on the ground bleeding.

Statement of Kishawna S.

Kishawna S. resides in Unit 1 and owned the pit bull. Kishawna S. allowed Armando G., Nicholas P., Larry B., Auvil O. and John B. to stay at her place because they were homeless.

Kishawna S. fell asleep in her living room around 11:45 p.m. Larry B., Auvil O. and John B. were playing videos and listening to music in the living room. Nicholas P. and Armando G. were outside the apartment. The pit bull was chained to a tree in the back yard.

Kishawna S. was awakened by deputies knocking on her front door. Deputies advised her that her dog had bitten a deputy. Kishawna S. found the dog lying on the bathroom floor, bleeding from his paws. Kishawna S. did not hear any gunshots.⁴

Ballistic Evidence

The following photographs depict the six bullet impacts documented at the scene. They were labelled A through F.

⁴ The other witnesses were interviewed by investigators. Nicholas P. was asleep in a car and did not see or hear the shooting. John B. was asleep on an outside couch and was awakened by two to three gunshots, but did not see the shooting. Larry B. and Auvil O. were inside the apartment and did not see or hear the shooting.





Close up of bullet impacts



Close up of bullet impacts



Close up of bullet impacts



Location of Bullet Impact F – North Cinderblock Wall

Autopsy Report

Los Angeles County Deputy Medical Examiner Lawrence Nguyen, M.D., performed a postmortem examination of Armando G. on June 27, 2017. Death was ascribed to a gunshot wound to the chest. There was no exit wound. The entry wound was irregularly shaped with irregular marginal abrasions. There was no soot or stippling present. A projectile was recovered within the right upper lung lobe. It was a deformed, medium caliber, copper-jacketed lead bullet.

It is Nguyen's opinion that the bullet struck a hard object prior to striking the victim. The entry wound was atypical. It was large with ragged edges. A typical entry wound has a smooth, round shape. The most common explanation for the atypical entry wound is that the bullet ricocheted off something before entering the victim. The bullet's flattened, deformed shape indicates that at some point, it struck something hard. However, there were no impacts in the body to explain the deformity. The bullet did not strike any bones. Finally, the lack of an exit wound indicates that the bullet lost velocity before entering the victim. A bullet loses velocity when it hits something

hard. The bullet only passed through tissue in the body. The fact that the bullet remained in the body is consistent with it hitting something hard before entering the victim.



Entrance wound to chest



Recovered projectile

Necropsy

The pit bull weighed 73 pounds. The dog sustained a through and through gunshot wound to the top of the right ear. The wound trajectory was from front to back. There was stippling present on the front of the ear, indicating it was a close-range gunshot wound. The dog sustained a second gunshot wound to the web of the left front paw. The pit bull was euthanized due to bilateral pulmonary hemorrhaging of the lungs and associated shock.

Ballistic Analysis

The bullet recovered during the autopsy was examined to determine which of the deputies' service weapons fired it. The LASD criminalist determined that the general rifling characteristics of the bullet were consistent with Dillard's weapon.

LEGAL ANALYSIS

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger. See, *CALCRIM No. 505*.

To be convicted of involuntary manslaughter, a person must commit a lawful act, but act with criminal negligence, causing the death of another person. A person acts with criminal negligence when he acts in a reckless way that creates a high risk of death or great bodily injury and a reasonable person would have known acting that way would create such a risk. See, *CALCRIM No. 581*

A person cannot be convicted of a crime if the prohibited act was committed accidentally and without criminal negligence. See, *CALCRIM No. 3404*.

CONCLUSION

The evidence examined shows that Ekanem was being attacked by a 73-pound pit bull. It is common knowledge that this breed of dog is capable of inflicting serious bodily injury, or worse. Having just bitten Auldrige, there was no question that the large canine posed a deadly threat to Ekanem, and the other deputies. The use of deadly force by Ekanem and Dillard to defend themselves against the charging pit bull was reasonable and necessary under the circumstances.

Ekanem fired his service weapon at the pit bull four times and Dillard fired twice. Tragically, Armando G. was fatally struck by one of those rounds as he chased after the pit bull after it broke free from its chain. There is no evidence that Ekanem or Dillard willfully intended to strike Armando G. or that they fired their weapons in a criminally negligent manner. Instead, the evidence shows that Armando G. was struck by a bullet that ricocheted as the deputies fired at the dog. The deformed bullet recovered during the autopsy, the ragged edges to the entrance wound and the lack of an exit wound all corroborate the conclusion that the bullet that struck Armando G., hit something hard before entering him.

The six bullet impacts correspond with the six rounds fired by Dillard and Auldrige. The impacts provide further corroboration that Dillard and Ekanem were not firing in a criminally negligent manner. Four of the impacts were to the ground, and one to the bottom of the rolling gate, where the pit bull was attacking Ekanem. These five strikes are consistent with the deputies firing in a downward direction at the pit bull, rather than toward Armando G. in the driveway. The sixth impact was to the north wall, away from where Armando G. was when he was struck. The multitude of bullet fragments and the shrapnel wounds to Auldrige and Shreves are also consistent with rounds striking something hard in the vicinity of the dog attack.

Because Dillard and Ekanem were justified in using deadly force, and there is no evidence that the deputies acted with criminal negligence, there is no criminal liability for the ricocheting round that accidentally struck Armando G.

We conclude that Sergeant James Dillard and Deputy Victor Ekanem acted lawfully when they used deadly force to defend against a pit bull attack and that one of the fired rounds accidentally struck Armando G. We are therefore closing our file and will take no further action in this matter.